

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

John A. Schmitz,

Plaintiff,

v.

Amy Schaffer, Lori Swanson,

Defendants.

Civil No. 12-3054 (RHK/JJG)

**ORDER**

---

The above-entitled matter came before the Court upon the January 18, 2013 Report and Recommendation of United States Magistrate Judge Jeanne J. Graham. Objections have been filed to the Report and Recommendation.

Based upon the Report and Recommendation, as well as the undersigned's de novo review of the Report and Recommendation and Objections thereto, and upon all of the files, records and proceedings herein, **IT IS ORDERED:**

1. The Objections (Doc. No. 8) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 7) is **ADOPTED**;
3. Plaintiff's application to proceed in forma pauperis (Doc. No. 2) is **DENIED**; and
4. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: February 19, 2013

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge